

**UNITED STATES DISTRICT COURT**  
for  
NORTHERN DISTRICT OF CALIFORNIA  
Venue

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**Petition for Arrest Warrant for Offender Under Supervision**

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Name of Offender: Rex M. Lutton Docket No.: CR 06-0063-01 CRB

Name of Judge: Charles R. Breyer  
United States District Judge

Date of Original Sentence: October 24, 1984

Original Offense:

Count One: Armed Robbery, 18 U.S.C. § 2113(a)(d), a Class C felony

Original Sentence: 25 years, the execution of the sentence of imprisonment is hereby suspended and the defendant is placed on probation for a period of five years, to commence upon his release from confinement.

Special Conditions: obey all local, state, and federal laws; comply with the rules and regulations of the probation department; report to U.S. Probation Office within 48 hours of release from custody; and submit to search of his person, property, home and vehicle, by a U.S. Probation Officer or any authorized person under the immediate and direct supervision of the probation officer without a search warrant.

Transfer of Jurisdiction from Eastern District of California accepted on January 13, 2006

Type of Supervision: Supervised Release  
Assistant U.S. Attorney: John Kennedy

Date Supervision Commenced:  
Defense Counsel: Carl Larson (Appointed)

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**Petitioning the Court**

The issuance of a no bail warrant for the offender's arrest.

I, Octavio E. Magaña, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing

NDC-SUPV-FORM 12C(2) 03/23/05

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official agency functions).

<u>Charge Number</u>	<u>Violation</u>
One	There is probable cause to believe that the offender violated term and condition number two which states that the defendant shall comply with the rules and regulations of the probation department.

On November 5, 2005, the offender left his approved residence at the Delancey Street Foundation making himself unavailable for supervision.

On November 1, 2005, I met with the offender after sentencing in Docket Number CR 05-00394-01 MHP. The conditions of supervision were reviewed. I directed the offender to report to the Delancey Street Foundation (a residential treatment program), and his approved residence immediately and not leave the facility without authorization.

A letter received from the Delancey Street Foundation dated November 7, 2005, indicates that the offender entered the program on November 1, 2005, and left on November 5, 2005 without authorization. The offender absconded from supervision thereafter.

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Two

There is probable cause to believe that the offender violated term and condition number one which states that the offender shall obey all local, state, and federal laws.

On November 11, 2005, the offender drove recklessly in an attempt to avoid a peace officer. The offender was subsequently sentenced on October 2, 2006, to two years state prison for Attempting to Evade Peace Officer While Driving Recklessly.

Evidence in support of this charge is California Highway Patrol police report number 200501755, and minute orders from Sonoma County Superior Court (Dkt. No. SCR-475973). On November 11, 2005, the offender was pulled over for driving illegally in the car-pool lane and for making an abrupt lane change on the freeway. The officer made contact with the offender and requested his license, registration, and proof of insurance. The offender was not able to provide any of the documents requested. When the officer asked for some type of identification, the offender started his vehicle and attempted to put the vehicle in gear. The officer ordered him to stop, but the offender refused. The officer used his pepper spray on the parolee, but the offender accelerated and fled the scene. The officer initiated a pursuit. The offender accelerated to a high rate of speed, failing to yield to the patrol vehicle's emergency red lights and siren. The offender eventually exited the freeway, came to a stop, exited the vehicle, and fled on foot. The offender was eventually apprehended and taken into custody. Before entering the jail, the offender was asked if he had anything on him that the officers should know about. The offender stated no. While conducting a search of the offender, the officer found a baggie containing suspected marijuana in his sock. The substance was examined and tested positive for marijuana (3.23 grams). The offender was booked and charged with Driving Recklessly in an Attempt to Avoid a Peace Officer; Driving without a License; Resisting Arrest; Providing False Information to a Peace Officer; and Possession of Less than One Ounce of Marijuana.

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Three

There is probable cause to believe that the offender violated term and condition number one which states that the offender shall obey all local, state, and federal laws.

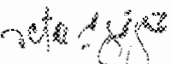
On February 8, 2006, the parolee attempted to escape from the Sonoma County Sheriff's Department.

Evidence in support of this charge is the Complaint filed in Sonoma County Superior Court (Dkt. No. SCR 481953), and Sonoma County Sheriff's Department police report number 060208-040. On February 8, 2006, the offender was searched while in custody of the county jail. Three pieces of hacksaw blades were found in the offender's sock. The offender's prior cell was also searched and deep cut marks were discovered in the metal portion of the window frame.

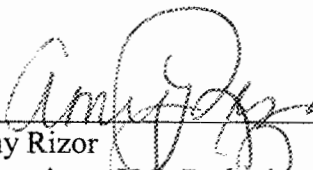
Address of offender: USMS custody

Based on the foregoing, there is probable cause to believe that Rex M. Lutton violated the conditions of his supervision. Therefore, I ask the Court to issue a no bail warrant for his arrest.

Respectfully submitted,

  
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Octavio E. Magaña  
U.S. Probation Officer  
Date Signed: March 22, 2007

Approved as to form:

  
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Amy Rizor  
Supervisory U.S. Probation Officer

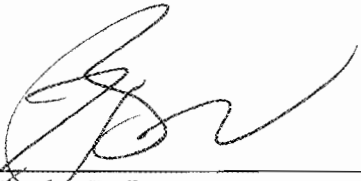
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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

- ☒ The issuance of a no bail warrant.  
☐ Other:

March 23, 2007  
Date

  
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Charles R. Breyer  
United States District Judge